

October 28, 2015

Honorable Paul R. Warren
United States Bankruptcy Court
Western District of New York
100 State Street
Rochester, New York 14614

In Re: Luis R Johnson
Chapter 7, Case Number: 15-21105-PRW

Dear Judge Warren:

I am writing to the Court regarding the above referenced bankruptcy case which was dismissed by the Court on October 19, 2015 (Docket #16) for failure to pay the \$60 Trustee portion of the Court's filing fee pursuant to your Order dated October 1, 2015 (Docket #9).

I have followed up with my client and obtained information that payment was made to the Court in this case. The Order to pay the \$60 fee required payment to be made by October 15, 2015. While cutting it close, on October 14, 2015 via U.S.P.S. Overnight mail my client mailed a \$60 money order to the Court (Tracking: EK9381298179US). The postal service attempted delivery of the payment on October 15, 2015 at 1:19 P.M. however there was no authorized recipient available. The payment was then delivered by the postal service on October 16, 2015 at 11:35 A.M. prior to the Order on October 19, dismissing this case.

The Court also issued a notice to me personally on October, 1, 2015 notifying me that a \$60 fee must be paid or that I may be locked-out of the CM/ECF system (Docket #10). On October 20, 2015 the Court issued a Notice directed to my client that he still must pay the \$60 fee prior to October 30, 2015 (Docket #17). The Money Order that was delivered to the Court has not been credited to the case or returned to myself or my client.

I spoke to my client today and he also has the receipt for the Money Order that was included in the mailing. He is coming into my office tomorrow morning so that I may obtain a copy of the receipt and I will immediately e-file a copy of that once I have it in my office tomorrow.

Given my clients substantial compliance with the order directing him to pay the \$60 Trustee fee, I am requesting that the Court vacate its Order dismissing this case and reinstate the case and proceed with the 341 Meeting scheduled for November 20, 2015. All required documents have been mailed to the Case Trustee.



215 East Church Street, Suite 301

Elmira, NY 14901

Tel: (607) 734-1647

Fax: (607) 734-1018

Email: mmansfield@lawny.org

Website: www.lawny.org

Since my client would be ineligible to refile his chapter 7 case for six months, it is in his best interests to seek to have the Order of dismissal vacated and the case restored to the Court's docket. If a motion is required, please have the Clerk contact my office so that I can make the motion to vacate the Order of dismissal accordingly.

For the assistance of the Court and Clerk I have attached to this letter copies of the U.S.P.S. tracking information along with copies of all docket entries that are referred to in this letter. Thank you in advance for your assistance in resolving this matter. I will follow up this filing tomorrow with a copy of the receipt of the Money Order.

Respectfully,

/s/ Matthew S. Mansfield

Matthew S. Mansfield, Esq.

Staff Attorney





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Tracking Number: EK938129179US

Scheduled Delivery Day: Thursday, October 15, 2015, 12:00 pm
Money Back Guarantee
Signed for By: WAIVED // ROCHESTER, NY 14614 // 11:35 am

Product & Tracking Information

Postal Product:
Priority Mail Express 1-Day™

Features:
PO to Addressee

Up to \$100 insurance included
Restrictions Apply

Available Actions

Proof of Delivery

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 16, 2015 , 11:35 am	Delivered, In/At Mailbox	ROCHESTER, NY 14614
Your item was delivered in or at the mailbox at 11:35 am on October 16, 2015 in ROCHESTER, NY 14614.		
October 15, 2015 , 1:19 pm	Notice Left (No Authorized Recipient Available)	ROCHESTER, NY 14614
October 15, 2015 , 8:44 am	Departed USPS Facility	ROCHESTER, NY 14692
October 15, 2015 , 7:49 am	Arrived at Post Office	ROCHESTER, NY 14603
October 15, 2015 , 12:09 am	Arrived at USPS Facility	ROCHESTER, NY 14692
October 14, 2015 , 6:18 pm	Arrived at USPS Facility	ELMIRA, NY 14901
October 14, 2015 , 9:20 am	Acceptance	HORSEHEADS, NY 14845

Track Another Package

Tracking (or receipt) number

Track It

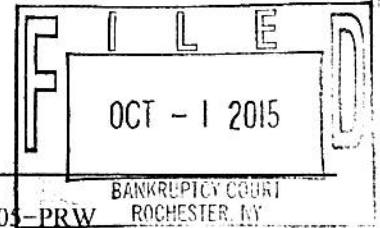
Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS ›



UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK



In Re:

Luis R Johnson

Case No.: 2-15-21105-PRW
Chapter: 7

SSN: xxx-xx-7406

Debtor(s)

ORDER ON DEBTOR'S APPLICATION
FOR WAIVER OF THE CHAPTER 7 FILING FEE

Upon consideration of the debtor's Application for Waiver of the Chapter 7 Filing Fee, it is hereby Ordered that the application be:

☒ **GRANTED.**

☐ Only to the extent of the filing fee payable to the Clerk of Court upon commencement of the case.

☒ Only to the extent of the filing fee payable to the Clerk of Court upon commencement of the case, but not with respect to the portion of the fee to be disbursed to the case trustee. The debtor must pay to the Clerk of Court \$60.00, on or before

October 15, 2015, which the Court will disburse to the case trustee. (X)

☒ If debtor fails to pay the \$60.00 by the date specified above, this case will be dismissed sua sponte pursuant to this Order, without further notice, and without further Order.

☒ To include a waiver of all fees under 28 U.S.C. § 1930(b) and (c), in addition to the filing fee and other fees payable to the Clerk of Court upon commencement of a case or due thereafter. (The waiver does NOT include fees for reopening.)

This Order is subject to being vacated at a later time if developments in the administration of the bankruptcy case demonstrate that the waiver was unwarranted.

☐ **DENIED.**

The debtor must immediately pay the Chapter 7 filing fee in full or make suitable application to the Court to pay the filing fee in installments.

If the debtor fails to pay the filing fee in full on or before _____, or to make installment payments in the amounts and by the dates specified below:

\$ _____ on or before _____ \$ _____ on or before _____

\$ _____ on or before _____ \$ _____ on or before _____

_____ this case will be dismissed sua sponte pursuant to this Order, without further notice, and without further Order.

_____ an Order to Show Cause will be issued requiring the personal appearance of the debtor(s) and counsel and may result in the dismissal of this case.

Until the filing fee is paid in full, the debtor shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

☐ **SCHEDULED FOR HEARING.**

A hearing to consider the debtor's "Application for Waiver of the Chapter 7 Filing Fee" will be held on

_____ at _____ at _____

IF THE DEBTOR FAILS TO APPEAR AT THE SCHEDULED HEARING, THE COURT MAY DEEM SUCH FAILURE TO BE THE DEBTOR'S CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER APPLICATION BY DEFAULT.

Dated: Oct 1, 2015
Rochester, New York

Paul R. Warren
HONORABLE PAUL R. WARREN
United States Bankruptcy Judge

Form OIFP
www.nywb.uscourts.gov

(X) The Debtor's Sec. 7 reflects an ability to pay the \$60.00 Trustee "fee".

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

Luis R Johnson

Debtor(s)

Case No.: 2-15-21105-PRW

Chapter: 7

SSN: xxx-xx-7406

NOTICE TO PAY STATUTORY FEE

TO: Matthew S. Mansfield, Esq.

PLEASE TAKE NOTICE that payment is due the Court for filing fees or services rendered, as mandated by the Bankruptcy Court Fee Schedule, established pursuant to 28 U.S.C. Sec. 1930(b). The fee indicated must be immediately paid: **Trustee Portion of Filing Fee – \$60.00**

Failure to immediately pay said fee(s) may result in the issuance of an Order to Show Cause, requiring the personal appearance of the debtor(s) and counsel, and may result in the dismissal of this case, striking of a document, and imposition of sanctions by the Court.

PLEASE TAKE FURTHER NOTICE, that the fee indicated above is due and payable even if the Court has entered an Order dismissing this case.

- [] Payments from debtors with a pending bankruptcy case must be made by certified check or money order to: "Clerk, U.S. Bankruptcy Court", Western District of New York, 100 State Street, Rochester, New York 14614
- [] Payment by check or money order of the above fee is due to: "Clerk, U.S. Bankruptcy Court", Western District of New York, 100 State Street, Rochester, New York 14614 by
- [X] Your electronically filed documents have an outstanding fee. The fee must be paid on or before October 15, 2015. To complete this transaction and avoid being **locked-out of CM/ECF**, please login to ECF (<https://ecf.nywb.uscourts.gov>) and select **Bankruptcy > Other > Electronic Payment Request**. Please contact the Court's Financial Department at (716) 362-3200 if you have any questions or encounter difficulties in processing your payment.

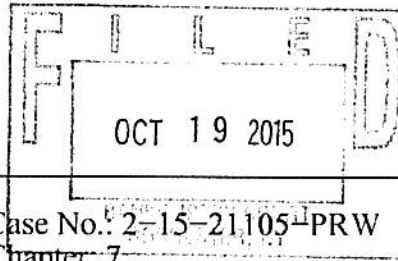
Date: October 1, 2015

Lisa Bertino Beaser
Clerk of Court

CC: Luis R. Johnson

Form ntfeedue/Doc 10
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK



LL

In Re:

Luis R Johnson

Debtor(s)

Case No. 2-15-21105-PRW
Chapter: 7

SSN: xxx-xx-7406

ORDER DISMISSING CHAPTER 7 CASE

WHEREAS, an Order Granting Application for Waiver of the Chapter 7 Filing Fee was entered on October 1, 2015;


WHEREAS, said Order granted the Application only to the extent of the filing fee payable to the Clerk of Court upon commencement of the case, but not with respect to the portion of the fee to be disbursed to the case trustee in the amount of \$60.00;

WHEREAS, a Clerk's Notice to Pay Statutory Fee was issued on October 1, 2015 to pay the \$60.00 case trustee fee by October 15, 2015. A review of the docket demonstrates that this fee was not paid as required. Therefore, it is now hereby

ORDERED, that the above captioned bankruptcy case is dismissed; and it is further

ORDERED, that the balance due of \$60.00, remains due and payable to the Clerk of the Court.

Dated: October 19, 2015
Rochester, New York


HONORABLE PAUL R. WARREN
United States Bankruptcy Judge

Form ORDERGEN
www.nywb.uscourts.gov

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

Luis R Johnson

Debtor(s)

Case No.: 2-15-21105-PRW

Chapter: 7

SSN: xxx-xx-7406

NOTICE TO PAY STATUTORY FEE

TO: Luis R Johnson 157 Brown Road Horseheads, NY 14845

PLEASE TAKE NOTICE that payment is due the Court for filing fees or services rendered, as mandated by the Bankruptcy Court Fee Schedule, established pursuant to 28 U.S.C. Sec. 1930(b). The fee indicated must be immediately paid: **Trustee Portion of Filing Fee – \$60.00**

Failure to immediately pay said fee(s) may result in the issuance of an Order to Show Cause, requiring the personal appearance of the debtor(s) and counsel, and may result in the dismissal of this case, striking of a document, and imposition of sanctions by the Court.

PLEASE TAKE FURTHER NOTICE, that the fee indicated above is due and payable even if the Court has entered an Order dismissing this case.

[X] Payments from debtors with a pending bankruptcy case must be made by certified check or money order to: "Clerk, U.S. Bankruptcy Court", Western District of New York, 100 State Street, Rochester, New York 14614 by **October 30, 2015**

[] Payment by check or money order of the above fee is due to: "Clerk, U.S. Bankruptcy Court", Western District of New York, 100 State Street, Rochester, New York 14614

[] Your electronically filed documents have an outstanding fee. The fee must be paid on or before **October 30, 2015** To complete this transaction and avoid being **locked-out of CM/ECF**, please login to ECF (<https://ecf.nywb.uscourts.gov>) and select **Bankruptcy > Other > Electronic Payment Request**. Please contact the Court's Financial Department at (716) 362-3200 if you have any questions or encounter difficulties in processing your payment.

Date: October 20, 2015

Lisa Bertino Beaser
Clerk of Court

CC: Matthew S. Mansfield Legal Assistance of WNY, Inc. 215 East Church Street, Suite 301 Elmira, NY 14901

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